

APPEAL NO. 033113
FILED JANUARY 13, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 21, 2003. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, extends to and includes the claimant's cervical region, including herniated nucleus pulposus at C5-6 and C6-7, but does not include a left knee sprain/strain. The appellant (carrier) appeals the hearing officer's determination that the compensable injury extends to include the cervical region, including herniated nucleus pulposus at C5-6 and C6-7, contending that the hearing officer's determination is supported by insufficient evidence and is against the great weight and preponderance of the evidence. The claimant asserts that sufficient evidence supports the hearing officer's decision. There is no appeal of the hearing officer's determination that the compensable injury does not include a left knee sprain/strain.

DECISION

Affirmed as reformed herein.

We reform Finding of Fact No. 1.A. to reflect that the parties stipulated that on _____, the claimant was the employee of (reformed employer) (not alleged employer). We reform Finding of Fact No. 1.B. to reflect that the parties stipulated that on _____, the employer had workers' compensation coverage with the Travelers Indemnity Company of America (not American Home Assurance Company).

It is undisputed that the claimant sustained a compensable injury. The issue regarding the extent of the compensable injury presented a fact question for the hearing officer to determine from the conflicting evidence that was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case we conclude that the hearing officer's decision on the appealed issue is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

As reformed herein, we affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge